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LETTER DATED 31 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instruction from my Government, and with reference to the letter dated 30 June 1996 from the Foreign Minister of Iraq contained in Security Council document S/1996/514, I have the honour to state the following.

Iraq's sermon about the need for closing the gap between provisions of international law and their application and for the promotion of respect for international humanitarian law sounds good, however disingenuous in the light of its record. Iraq's actions since 1980, including its action concerning the prisoners of war which is in breach of 1949 Geneva Convention Relative to the Treatment of Prisoners of War speak louder than Iraq's words in the letter of its Foreign Minister contained in Security Council document S/1996/514.

Iraq's adoption of a superfluous high moral ground cannot conceal its glaring violations of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. It continues to hold a large number of Iranian prisoners of war incommunicado and in secret camps and, worse, it persists in denying holding any Iranian prisoners of war despite a large body of irrefutable and material evidence to the contrary. As early as 14 September 1995, an agreement was signed at Tehran by the representatives of both Governments in the form of an agreed minute to exchange the complete lists of prisoners of war as the first step towards ending the untold suffering of the remaining prisoners of war. However, again the Government of Iraq practically blocked the implementation of the agreement by procrastination and inaction.

A retrospective look at Iraq's record vis-à-vis the prisoners of war may shed some light on its present stance on the issue. It may be recalled that following the cease-fire when the process of repatriation started, the Government of Iraq astonished the international community and the International Committee of the Red Cross (ICRC) by the disclosure that it had held more than 20,000 Iranian prisoners of war in secret camps away from ICRC - some for nearly eight years - in clear violation of the registration requirement of the prisoners of war under the Convention.

Such a flagrant violation was revealed at a time when, just like today, Iraq claimed full cooperation with ICRC on the one hand and respect for the rules of international humanitarian law on the other. The Government of the Islamic Republic of Iran believes that neither the practice nor the rhetoric of the Government of Iraq in respect of prisoners of war has changed. Iraq continues to hold Iranian prisoners of war in secret camps, and like before, away from ICRC. Iraq is under international obligation to waste no time in registering the remaining Iranian prisoners of war about whose detention in Iraq ample evidence exists, and for providing that list to the Iranian authorities as agreed upon at Tehran on 14 September 1995, and thereby paving the way for a final solution to this outstanding and sad humanitarian issue. For a detailed position of the Islamic Republic of Iran on this issue attention is drawn to the note verbale dated 1 February 1995 from the Ministry of Foreign Affairs of the Islamic Republic of Iran addressed to ICRC.

It would be highly appreciated if this letter were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative